

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 383

Introduced by Assembly Member Portantino

February 14, 2011

~~An act relating to community colleges. An act to amend Section 87482.5 of the Education Code, relating to community colleges, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 383, as amended, Portantino. Public postsecondary education: community colleges.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires that a person employed to teach adult or community college classes for not more than 67% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee.

~~This bill would state the intent of the Legislature to enact legislation requiring the Office of the Chancellor of the California Community Colleges to fund each community college district with~~ *provide that districts shall receive* a one-time stipend of \$_____ for including provisions in ~~its~~ *their* collective bargaining agreements that prohibit a full-time instructor from being assigned a teaching workload, including overload or extra assignments, when the overload or extra assignments exceed 50% of a full-time workload in any semester that commences on or after January 1, 2012.

The bill would appropriate \$_____ from the General Fund to implement this act.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~^{yes}. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 87482.5 of the Education Code is amended*
2 *to read:*

3 87482.5. (a) Notwithstanding any other law, a person who is
4 employed to teach adult or community college classes for not more
5 than 67 percent of the hours per week considered a full-time
6 assignment for regular employees having comparable duties shall
7 be classified as a temporary employee, and shall not become a
8 contract employee under Section 87604. If the provisions of this
9 section are in conflict with the terms of a collective bargaining
10 agreement in effect on or before January 1, 2009, the provisions
11 of this section shall govern the employees subject to that agreement
12 upon the expiration of the agreement.

13 (b) Service as a substitute on a day-to-day basis by persons
14 employed under this section shall not be used for purposes of
15 calculating eligibility for contract or regular status.

16 (c) (1) Service in professional ancillary activities by persons
17 employed under this section, including, but not necessarily limited
18 to, governance, staff development, grant writing, and advising
19 student organizations, shall not be used for purposes of calculating
20 eligibility for contract or regular status unless otherwise provided
21 for in a collective bargaining agreement applicable to a person
22 employed under this section.

23 (2) This subdivision may not be construed to affect the
24 requirements of subdivision (d) of Section 84362.

25 (d) *A district that enters into a collective bargaining agreement*
26 *that prohibits a full-time instructor from being assigned a teaching*
27 *workload, including overload or extra assignments, when the*
28 *overload or extra assignments exceed 50 percent of a full-time*
29 *workload in any semester that commences on or after January 1,*
30 *2012, shall receive a one-time stipend of _____ (\$_____).*

31 SEC. 2. _____ (\$_____) *is appropriated from the General Fund*
32 *to the community college districts for allocation to districts*
33 *pursuant to subdivision (d) of Section 87482.5 of the Education*
34 *Code.*

1 ~~SECTION 1.—It is the intent of the Legislature to enact~~
2 ~~legislation requiring the Office of the Chancellor of the California~~
3 ~~Community Colleges to fund each community college district with~~
4 ~~a one-time stipend for including provisions in its collective~~
5 ~~bargaining agreements that prohibit a full-time instructor from~~
6 ~~being assigned a teaching workload, including overload or extra~~
7 ~~assignments, when the overload or extra assignments exceed 50~~
8 ~~percent of a full-time workload in any semester that commences~~
9 ~~on or after January 1, 2012.~~

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